



Final Regulation Agency Background Document

Agency name	Motor Vehicle Dealer Board
Virginia Administrative Code (VAC) citation	24 VAC 22-20-10 et seq
Regulation title	Motor Vehicle Dealer Fees
Action title	Adjust Fees
Date this document prepared	September 17, 2007

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

The Code sets maximum fees that the MVDB may assess. Actual fees must be set in regulations. Fees were last set in 1996. The proposed, amended regulation adjusts some of the fees that motor vehicle dealers and salespersons are assessed by the Board. Changes in the "definitions" section of the regulations have also been updated to conform with recent changes in the Code.

No changes have been made to the final regulation as compared to the published proposed regulation.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

No critical comments were received at the public hearing; on the Town Hall; or as a result of a mailing to all motor vehicle dealers and interested parties concerning the proposed updates to the Motor Vehicle Dealer Fees Regulation.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

VA Code Sections 46.2-1511, 46.2-1512, 46.2-1519 and 46.2-1546 authorize the MVDB to set fees within maximum limits. Section 46.2-1506 authorizes the MVDB to promulgate regulations.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

Licensing motor vehicle dealers and salespersons is essential to protecting consumers who purchase motor vehicles. Timely licensing of dealers and salespersons contributes to the good health of Virginia’s economy and employment. If fees are not adjusted, the MVDB would not be able to continue to provide an adequate level of service.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the “All changes made in this regulatory action” section.

The proposed regulations adjust the following fees that motor vehicle dealers and salespersons are assessed by the Board.

	Current	Proposed
Dealer-operator Certificate of Qualification	\$25 to take certification test. (Not in regulations.)	\$50 application fee.
Salesperson Certificate of Qualification	\$25 to take certification test. (Not in regulations.)	\$50 application fee.
Salespersons License	\$20	\$25
Dealer license plates	\$20 for the first two plates (Two for \$40.) and \$15 for each additional plate.	\$30 for the first two plates (Two for \$60.) and \$26 for each additional plate.

Issues

Please identify the issues associated with the proposed regulatory action, including:
 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;
 2) the primary advantages and disadvantages to the agency or the Commonwealth; and
 3) other pertinent matters of interest to the regulated community, government officials, and the public.
 If there are no disadvantages to the public or the Commonwealth, please indicate.

Adjusting the fees will allow the Board to continue to adequately provide essential services to consumers, motor vehicle dealers and others who use our services. There are no disadvantages to the public or the Commonwealth.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

No Changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change

Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response

No Comments were received.

All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if	Current requirement	Proposed change and rationale

	applicable		

No changes made.

Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The proposed amendments to these existing regulations adjust the fees that are assessed by the Board. No other rule or regulation are included that meets the criteria for further analysis.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

There are no family impacts.